

United States District Court
for the
Southern District of Georgia
Augusta Division

FILED
U.S. DISTRICT COURT
AUGUSTA DIV

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

2008 OCT -6 A 9:32

CLERK *A. McCatty*
S. DIST. OF GA.

Name of Offender: **Kirk McBean**

Case Number: CR103-00006-001

Name of Sentencing Judicial Officer: Honorable Dudley H. Bowen, Jr.
United States District Judge

Date of Original Sentence: September 25, 2003

Original Offense: Possession with intent to distribute approximately 3 kilograms of cocaine hydrochloride

Original Sentence: 80 months confinement; 5 years supervised release; \$1,500 fine; \$100 special assessment; 100 hours community service

Type of Supervision: Supervised release

Date Supervision Commenced: July 3, 2008

Assistant U.S. Attorney: Nancy C. Greenwood

Defense Attorney: Lenny Franco and Ann Shafer

PETITIONING THE COURT

To extend the term of supervision for years, for a total term of years.
 To modify the conditions of supervision as follows:

The defendant shall participate in a mental health treatment program under the guidance and supervision of the U.S. Probation Officer.

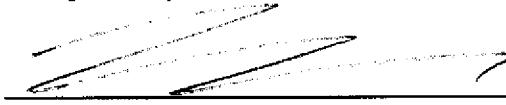
CAUSE

On August 12, 2008, the defendant's wife contacted the U.S. Probation Office in the Northern District of Georgia, where supervision is currently being provided. She advised that the defendant had assaulted her. She declined to contact local law enforcement or press charges. She did require the defendant to move out of their residence and advised she would be pursuing a divorce. The defendant's supervising probation officer has interviewed him on several occasions regarding this domestic situation and believes the defendant has anger management issues. The probation officer has recommended counseling and he has agreed to attend. Attached is the Waiver of Hearing to Modify Conditions of Supervised Release signed by the defendant.

Re: Kirk McBean
Case Number: CR103-00006-001
Page 2

Respectfully submitted,

by

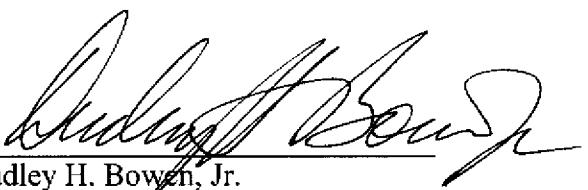

Timothy H. Corbin
U.S. Probation Officer
Date: September 25, 2008

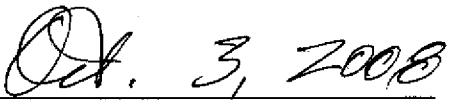
Reviewed by:


Pamela K. Sowell
Supervisory U.S. Probation Officer

THE COURT ORDERS:

No Action
 The Extension of Supervision as Noted Above
 The Modification of Conditions as Noted Above 
 Other


Dudley H. Bowen, Jr.
United States District Judge


Date

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

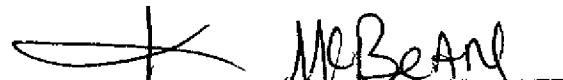
UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF GEORGIA

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

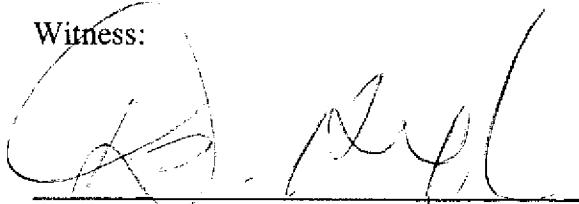
The defendant shall participate in a mental health treatment program under the guidance and supervision of the U.S. Probation Officer.

Signed:



Kirk McBean
Supervised Releasee

Witness:



Donna M. High
U. S. Probation Officer

Date:

9/2/08